

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Nicky Chanvong and Wendy Wisch Chanvong,)	
)	
Plaintiffs,)	Case Number 1:15cv-1284
)	
v.)	
)	JURY DEMANDED
Equifax Information Services, LLC,)	
)	
Defendant.)	

COMPLAINT

1. Plaintiffs Nicky Chanvong and Wendy Wisch Chanvong bring this action against Defendant Equifax Information Services, LLC (“Equifax”) for violations of the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681 et seq. Plaintiffs are the victims of identity theft. Equifax sold credit reports relating to plaintiffs which included false and derogatory accounts and information. Plaintiffs repeatedly asked Equifax to delete the false accounts and information from her credit reports, but Equifax refused.

JURISDICTION AND VENUE

2. The Court has jurisdiction pursuant to 15 U.S.C. § 1681p
3. Venue is proper because a substantial portion of the events complained of occurred in this District.

PARTIES

4. Plaintiffs Nicky Chanvong and Wendy Wisch Chanvong are natural persons residing in the State of Illinois, as defined by the 15 U.S.C. § 1681a(c).
5. Defendant Equifax Information Services, LLC, (“Equifax” or “Defendant”) is a consumer reporting agency as defined by the FCRA, 15 U.S.C. § 1681a(f).

FACTS

5. Plaintiffs are the victims of identity theft. From 2012 through 2014, Equifax reported false accounts and information in plaintiffs' credit reports.

6. Plaintiffs repeatedly notified Equifax in 2013 and 2014 that it was reporting inaccurate accounts and information about them. Equifax failed to delete all of the inaccurate accounts and information.

7. Plaintiffs suffered actual damages as a result of defendant's reporting of false credit information. For example, plaintiffs were denied a mortgage in January of 2014 as a result of "delinquencies" which did not belong to them. Plaintiffs have been denied credit due to false accounts.

COUNT I – FCRA

15 U.S.C. § 1681o

8. Plaintiffs incorporate all previous paragraphs of this complaint.

9. Equifax negligently failed to comply with the requirements imposed under the FCRA, including but not limited to:

a) failing to follow reasonable procedures to assure maximum possible accuracy of the information in consumer reports, as required by 15 U.S.C. §1681e(b);

b) failing to comply with the reinvestigation requirements in 15 U.S.C. §1681i, including but not limited to parts and subparts;

c) providing plaintiffs' credit file to companies without determining that these companies had a permissible purpose to obtain plaintiff's credit file pursuant to U.S.C. §1681b.

10. As a result of Equifax's violations of the FCRA, plaintiffs suffered, continue to suffer and will suffer future damages, including denial of credit, lost opportunity to receive

credit, damage to reputation, worry, distress, frustration, embarrassment, and humiliation, all to their actual damages, in an amount to be determined by the jury.

11. Plaintiffs are entitled to actual damages in an amount to be determined by the jury.

12. Plaintiffs are entitled to attorney fees, pursuant to 15 U.S.C. § 1681o(a).

COUNT II – FCRA

15 U.S.C. § 1681n

13. Plaintiffs incorporate all previous paragraphs of this complaint.

14. Equifax willfully failed to comply with the requirements imposed under the FCRA, including but not limited to:

a) failing to follow reasonable procedures to assure maximum possible accuracy of the information in consumer reports, as required by 15 U.S.C. §1681e(b);

b) failing to comply with the reinvestigation requirements in 15 U.S.C. §1681i, including but not limited to parts and subparts;

c) providing plaintiffs' credit file to companies without determining that these companies had a permissible purpose to obtain plaintiff's credit file pursuant to U.S.C. §1681b.

15. As a result of Equifax's violations of the FCRA, plaintiff has suffered, continues to suffer and will suffer future damages, including denial of credit, lost opportunity to receive credit, damage to reputation, worry, distress, frustration, embarrassment, and humiliation, all to their actual damages, in an amount to be determined by the jury.

16. Plaintiffs are entitled to actual damages in an amount to be determined by the jury.

17. Plaintiff are entitled to punitive damages in an amount to be determined by the jury.

18. Plaintiff is entitled to her attorney fees, pursuant to 15 U.S.C. § 1681n.

PRAYER

1. On Plaintiffs' First Claim for Relief for negligent violations of the FCRA against Defendant Equifax:

- a. Actual damages in an amount to be determined by the jury;
- b. Attorney fees and costs.

2. On Plaintiffs' Second Claim for Relief for willful violations of the FCRA against Defendant Equifax:

- a. Actual damages in an amount to be determined by the jury;
- b. Punitive damages in an amount to be determined by the jury; and,
- c. Statutory damages as determined by the court; and
- d. Attorney fees and costs.

DATED this 11th day of February, 2015.

Respectfully submitted,

/s/ Alexander H. Burke
Alexander H. Burke
BURKE LAW OFFICES, LLC
155 N. Michigan Ave., Suite 9020
Chicago, IL 60601
(312) 729-5288
(312) 729-5289 (fax)
ABurke@BurkeLawLLC.com

JURY DEMAND

Plaintiff demands trial by jury.

/s/ Alexander H. Burke
Alexander H. Burke
BURKE LAW OFFICES, LLC
155 N. Michigan Ave., Suite 9020
Chicago, IL 60601

(312) 729-5288
(312) 729-5289 (fax)
ABurke@BurkeLawLLC.com